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10 Attorneys for Plaintiff

11 *E-FILED - 7/13/04*

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 SUIBIN ZHANG,)
18 Defendant.)

19 No. CR 05-00812 RMW (HRL)

20 STIPULATION AND []
21 ORDER CONTINUING DATE FOR
22 STATUS CONFERENCE AND
23 EXCLUDING TIME

24 Date: July 17, 2006
25 Time: 9:00 a.m.

26 Before The Honorable Ronald M. Whyte

27 The parties to this case hereby agree and stipulate as follows:

28 WHEREAS,

1. The parties have only now reached a tentative agreement regarding a protective
2. order that will govern discovery in this case;

3. As a result of their inability to agree sooner, the discovery process has been
4. delayed; and

5. The parties both desire that defendant have received and had the opportunity to
6. review additional discovery before making another status appearance before the Court, so that
7. they might both be in a better position to advise the Court accurately regarding their respective
8. positions;

4. The Court has previously excluded time in this case, by stipulation of the parties, pursuant to 18 U.S.C. § 3161(h)(8)(B)(i) and (iv); and

5. The parties continue to agree that the time occasioned by this continuance and prior continuances is excludible pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(i) and (iv).

IT IS THEREFORE STIPULATED AS FOLLOWS:

The case should be continued for a further status and setting conference to occur on Monday, September 18, 2006, at 9:00 a.m., before The Honorable Ronald M. Whyte, United States District Judge. Time between July 17 and the date set forth above should be excluded from the Speedy Trial clock for the reasons set forth above.

DATE:

JAY RORTY
NICHOLAS P. HUMY
Counsel for Defendant

DATE:

DAVID R. CALLAWAY
KYLE F. WALDINGER
Counsel for Plaintiff

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that this matter is continued for further status and setting conference to occur on Monday, September 18, 2006, at 9:00 a.m.

IT IS FURTHER ORDERED that the time between July 17 and September 18, 2006 above shall be excluded from the computation the period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: 7/13/06

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge

1 Distribute to:

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